
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

STEVE ROMO-DELEON, #39010-380

§

versus

§

CIVIL ACTION NO. 4:18-CV-546

§

CRIMINAL ACTION NO. 4:14-CR-91(24)

UNITED STATES OF AMERICA

§

§

ORDER OF DISMISSAL

The above-styled and numbered civil action was referred to United States Magistrate Judge Kimberly C. Priest Johnson, who issued a Report and Recommendation concluding that Movant's Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (#1) pursuant to 28 U.S.C. § 2255 should be denied. Movant has filed objections.

Movant is in custody for the offense of conspiracy to possess with the intent to manufacture and distribute cocaine, in violation of 21 U.S.C. § 846. On August 4, 2017, after a plea of guilty, Movant was sentenced to one-hundred-sixty-eight (168) months of imprisonment in accordance with a binding plea agreement pursuant to Fed. R. Crim. P. 11(c)(1)(C). At the time he pled guilty, Movant advised the Court that he was satisfied with the work performed on his behalf by his attorney. PH Tr. 4. Movant's "solemn declarations in open court carry a strong presumption of verity." *United States v. Lampazianie*, 251 F.3d 519, 524 (5th Cir. 2001) (quoting *Blackedge v. Allison*, 431 U.S. 63, 73-74 (1977)). He now alleges that he is entitled to relief based on ineffective assistance of counsel, but he has not shown that his attorney's representation was deficient or that he was prejudiced by deficient representation, as required by *Strickland v. Washington*, 466 U.S. 668, 688 (1984). His motion and objections lack merit.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Having

made a *de novo* review of the objections raised by Movant to the Report, the Court concludes that the findings and conclusions of the Magistrate Judge are correct and the objections of Movant are without merit.

It is accordingly **ORDERED** that the Motion to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody (#1) pursuant to 28 U.S.C. § 2255 is **DENIED**, and the case is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**. All motions by either party not previously ruled upon are **DENIED**.

SIGNED at Beaumont, Texas, this 19th day of August, 2019.

A handwritten signature in cursive script, reading "Marcia A. Crone".

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE